IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 26TH OCTOBER 2007 / 4TH KARTHIKA 1929

Bail Appl..No. 6214 of 2007()

CRIME NO.357/07 OF DY.S.P. CRIME DETACHMENT, KOLLAM, SPECIAL INVESTIGATION TEAM (ORIGINALLY OF KUNNIKODE POLICE STATION)

AGAINST THE ORDER DATED 01/10/2007 IN CRMP 3048/2007 IN CRMP.3023/2007 of I ADDL. DISTRICT COURT, KOLLAM

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PETITIONERS: ACCUSED NO.9 AND 10:

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1. KRISHNAKUMAR @ AJI, AGED 39 YEARS,
S/O.RAMACHANDRAN UNNITHAN, PUTHIYA VEEDU,
NADUTHERI MURI, THALAVOOR VILLAGE.

2. ALPHONSE @ ACHAN, AGED 56 YEARS
S/O.FRANCIS, MAYILAVILA VEEDU, KARIAYMURI
VILAKUDI VILLAGE, KOLLAM.

BY ADV. SRI.RENJITH B.MARAR
SMT.LAKSHMI.N.KAIMAL
SRI.P.VIJAYA BHANU
SRI.L.RAJESH NARAYAN

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY THE
DY.S.P CRIME DETACHMENT KOLLAM SPECIAL
INVESTIGATION TEAM, THROUGH THE PUBLIC
PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 6214 of 2007

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Dated this the 26th day of October, 2007

O R D E R

Application for regular bail. The petitioners are accused 9 and 10. They are employees of a licensed toddy shop. The crux of the allegations against them is that the toddy shop, to attract customers, had supplied toddy free to such customers on a dry day. Many persons flocked to consume such free liquor. Some of them took ill after such consumption and some of them met with their death. Crime has been registered for offences punishable, inter alia, under Section 302 I.P.C. and section 57(A) of the Kerala Abkari Act. The petitioners have been arrested on 3.9.2007. They continue in custody from that date.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. At worst all that the petitioners have done is that they have supplied liquor on a dry day. They are not responsible for the quality of the liquor supplied, they being only employees in a licensed toddy shop under the licensee. To a pointed question it is replied by the learned Prosecutor that no noxious

substance has been detected in the liquor supplied by the petitioners. It is also reported that the cause of the death has been identified to be excessive consumption of alcohol only.

3. The learned Prosecutor opposes the application. But notwithstanding the opposition, I am satisfied, in the facts and circumstances of this case, to which I have briefly referred to already, that the petitioners are entitled for grant of regular bail. I shall carefully avoid any detailed discussion on merits about the acceptability of the allegation raised or the credibility of the data collected. Suffice it to say that I come only to the conclusion that further detention of the petitioners is unnecessary in this case.

4. In the result:

1) This application is allowed.

2) The petitioners shall be released on bail on the following terms and conditions.

(a) The petitioners shall execute bonds for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(b) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 12 noon on all Mondays for a period of three months from the date of their release and thereafter as and when directed by the Investigating Officer in writing to do so.

(R. BASANT)
Judge

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